



# AAPD 21-04: Award Requirements to Implement Executive Order 14042

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Ensuring Adequate Covid-19 Safety  
Protocols for Federal Awards

## Background on E.O. 14042

# Ensuring Adequate COVID Safety Protocols for Federal Contractors

- September 9, 2021: President Biden signs E.O. 14042
- September 29, 2021: Director of M/OAA issued preliminary guidance to partners
- October 8, 2021: AAPD 21-04 issued implementing the EO through deviated FAR clause 52.223-99, with alternate 70 for Personal Services Contracts

# Applicability of AAPD 21-04

## New Award Requirements to Implement E.O. 14042

- AAPD effective as of October 12, 2021 and effective until rescinded or until FAR is formally revised;
- Requirements in E.O. are applicable to contracts, including personal services contracts (PSCs), and to contract-like awards, such as cooperative agreements;
- Requirements in E.O. do NOT apply to grants or grants under contract (GUCs)
- Guidance in AAPD currently only covers contracts; a revision that addresses contract-like awards will be issued later

# Overview of AAPD 21-04

## New Award Requirements to Implement E.O. 14042

- Informs Agency staff and implementing partners of new award requirements designed to maximize the number of individuals vaccinated and decrease the spread of COVID-19. Requirements include:
  - Compliance with all contractor workplace guidance published by the Safer Federal Workforce Task Force, including future amendments and FAQs (Safer Federal Workforce Guidance for Contractors/)
  - For contractors whose employees have routine physical access to USAID Workplaces - compliance with USAID's COVID-19 Safety Plan and Workplace Guidelines (Safety Plan)
  - Include the substance of the deviated clause in subcontracts at any tier

# Applicability

## Covered Contracts

- Deviated clause (Attachment I of AAPD) will be incorporated into:
  - New and existing solicitations at or above the simplified acquisition threshold (SAT)
  - New contracts at or above the SAT
  - Existing contracts at or above the SAT *when modifying the contract to extend or renew the award*
  - Existing contract *when exercising Options*
  - Existing contracts (including purchase orders) **of any value** that provide personnel with routine physical access to domestic USAID workplaces (e.g., institutional support contracts (ISCs)).
- COs may modify existing contracts that provide employees routine access to overseas USAID workplaces, depending on local conditions.

# Next Steps and Required Actions

## Guidance for Contractors

- Ensure compliance with deviated FAR clause requirements, including:
  - Vaccination of all covered contractor employees by December 8, 2021
  - Compliance with masking and physical distancing guidance while in covered contractor workplaces (Safer Federal Workforce and Agency-specific)
  - Designation of a person/persons to coordinate workplace safety efforts at covered contractor workplaces
- ISCs should expect a letter issued by their CO (if not already received).
- Respond to the bilateral modification request prior to November 14, 2021.

# Additional Guidance and Clarification

## Where to Go for More Information

All contractors are ***strongly encouraged*** to become familiar with:

- The guidance published by the Safer Federal Workforce Task Force (<https://www.saferfederalworkforce.gov/contractors/>)
- The FAQs published by OMB ([https://www.saferfederalworkforce.gov/downloads/Draft%20contractor%20guidance%20doc\\_20210922.pdf](https://www.saferfederalworkforce.gov/downloads/Draft%20contractor%20guidance%20doc_20210922.pdf))

For additional questions, please contact the Industry Liaison ([IndustryLiaison@usaid.gov](mailto:IndustryLiaison@usaid.gov)).

*Note: for inquiries not answered by above-referenced resources, response time may vary depending on necessary coordination with the Task Force and/or OMB.*

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# Q&A

